

### **REMARKS/ARGUMENTS**

Claims 1, 19-21, and 23-36 are pending and stand substantively rejected. Claims 2-18 and 22 were previously canceled. In this Amendment, claims 1, 24, 29, 30, and 32-36 are amended, and claims 20, 23, and 28 are canceled. Reconsideration of the claims is respectfully requested.

Amended claims 1 and 34-36 incorporates elements from claims 20 or 28, or both. Claims 24, 29, 30, 32, and 33 are amended to conform antecedent basis. No new matter is introduced.

#### **Rejection Under 35 U.S.C. §102**

Claims 1, 19-21, 23-26, and 35 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by US 4,124,705 to Rothman et al. This rejection is traversed.

Amended independent claims 1 and 35 incorporate aspects of canceled claim 28, which is not included in this rejection. Withdrawal of this rejection is requested.

#### **First Rejection Under 35 U.S.C. §103**

Claims 1, 19-21, 23-26, 34, and 36 were rejected under 35 U.S.C. §103(a) as allegedly obvious in view of USPN 4,482,386 to Wittwer et al. This rejection is traversed.

Amended independent claims 1 and 36 incorporate aspects of canceled claim 28, which is not included in this rejection.

Amended independent claims 34 and 36 are drawn to a single phase aqueous colloids having an equilibrium swell from 400% to 5000%. Applicants submit that the presently claimed equilibrium swell of 400% to 5000% is an unexpectedly useful property, and therefore is sufficient to overcome any *prima facie* case of obviousness.

#### **Second Rejection Under 35 U.S.C. §103**

Claim 27 was rejected under 35 U.S.C. §103(a) as allegedly obvious over Rothman in view of US 4,515,637 to Cioca. This rejection is traversed.

Presently pending claim 27 depends from base claim 1. As noted above, amended base claim 1 incorporates elements from claim 28, which is not included in this rejection. Withdrawal of this rejection is requested.

**Third Rejection Under 35 U.S.C. §103**

Claims 28-33 were rejected under 35 U.S.C. §103(a) as allegedly obvious over Rothman in view of Wittwer and US 6,129,761 to Hubbell. This rejection is traversed.

Claim 28 is canceled. Neither Rothman nor Wittwer not teach or suggest a single phase aqueous colloid comprising a protein and having an equilibrium swell from 400% to 5000% as described in amended independent claim 1. Hubbell describes certain hydrogel materials, but does not remedy the deficiencies of Rothman and Wittwer. Hence, the three references do not suggest the presently claimed combination of elements of amended base claim 1, or claims 29-33 which depend therefrom. Withdrawal of this rejection is requested.

**Fourth Rejection Under 35 U.S.C. §103**

Claims 25-29 were rejected under 35 U.S.C. §103(a) as allegedly obvious over Wittwer in view of Rothman and Cioca. This rejection is traversed.

As noted above, neither Rothman nor Wittwer not teach or suggest a single phase aqueous colloid comprising a protein and having an equilibrium swell from 400% to 5000% as described in amended independent claim 1. Cioca describes certain collagen-thrombin compositions, but does not remedy the deficiencies of Rothman and Wittwer. Hence, the three references do not suggest the presently claimed combination of elements of amended base claim 1, or claims 25-29 which depend therefrom. Withdrawal of this rejection is requested.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Appl. No. 09/553,969  
Amdt. dated November 25, 2008  
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Examining Group 1611

PATENT

Respectfully submitted,

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